

MESSAGE NO: 6307215 MESSAGE DATE: 11/03/2006

MESSAGE STATUS: Active CATEGORY: Antidumping
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE:

FR CITE: FR FR CITE DATE:

REFERENCE
MESSAGE #
(s):

CASE #(s): A-570-827

EFFECTIVE DATE: COURT CASE #:

PERIOD OF REVIEW: TO

PERIOD COVERED: 12/01/2001 TO 11/30/2002

Notice of Lifting of Suspension Date:

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: LIQUIDATION INSTRUCTION FOR THE NOTIFICATION OF PARTIAL RESCISSION
OF THE ADMINISTRATIVE DUTY ORDER ON CERTAIN CASED PENCILS FROM CHINA (A-
570-827-001/006/007/011)

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CASES: A - 570 - 827

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PERIOD COVERED: 12 01 2001 TO 11 30 2002

LIQ SUSPENSION DATE:

TO: DIRECTORS OF FIELD OPERATIONS

PORT DIRECTORS

FROM: DIRECTOR, SPECIAL ENFORCEMENT

RE: LIQUIDATION INSTRUCTION FOR THE NOTIFICATION OF PARTIAL
RESCISSION OF THE ADMINISTRATIVE DUTY ORDER ON CERTAIN
CASED PENCILS FROM CHINA (A-570-827-001/006/007/011)

1. THE DEPARTMENT OF COMMERCE HAS RESCINDED THE ADMINISTRATIVE
REVIEW OF THE ANTIDUMPING DUTY ORDER ON CERTAIN CASED PENCILS
FROM THE PEOPLE'S REPUBLIC OF CHINA (A-570-827), COVERING THE
PERIOD 12/01/2001 THROUGH 11/30/2002, WITH RESPECT TO GUANGDONG
STATIONERY & SPORTING GOODS IMPORTS & EXPORT CO., LTD.
(A-570-827-007), GUANGDONG STATIONERY & SPORTING GOODS IMPORTS &
EXPORT CO., LTD. WHEN EXPORTING OR SELLING CERTAIN CASED PENCILS
PRODUCED BY SHANGHAI THREE STAR STATIONERY INDUSTRY CORP.

(A-570-827-001), TIANJIN CUSTOM WOOD PROCESSING CO., LTD. (A-570-827-011), AND LAIZHOU CITY GUANGMING PENCIL-MAKING CO., LTD. (A-570-827-006). THESE COMPANIES ARE NOT SUBJECT TO THE INJUNCTIONS ON CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA SPECIFIED IN MESSAGE NOS. 4203201, DATED 07/21/2004, AND 4224206, DATED 08/11/2004.

2. THIS ADMINISTRATIVE REVIEW WAS RESCINDED WITH RESPECT TO GUANGDONG STATIONERY & SPORTING GOODS IMPORTS & EXPORT CO., LTD. BECAUSE THE COMPANY WITHDREW ITS REQUEST FOR A REVIEW AND NO OTHER INTERESTED PARTY REQUESTED A REVIEW OF THE COMPANY. THE NOTICE OF PARTIAL RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 01/13/2004 (69 FR 1965). THEREFORE, FOR ALL SHIPMENTS OF CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA EXPORTED TO THE UNITED STATES BY GUANGDONG STATIONERY & SPORTING GOODS IMPORTS & EXPORT CO., LTD., OR SOLD TO U.S. CUSTOMERS (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) BY GUANGDONG STATIONERY & SPORTING GOODS IMPORTS &

EXPORT CO., LTD., AND ENTERED OR WITHDRAWN FROM WAREHOUSE FOR CONSUMPTION DURING THE PERIOD 12/01/2001 THROUGH 11/30/2002, YOU ARE TO ASSESS ANTIDUMPING DUTIES AT THE CASH DEPOSIT OR BONDING RATE IN EFFECT AT THE TIME OF ENTRY.

3. THIS ADMINISTRATIVE REVIEW WAS RESCINDED WITH RESPECT TO TIANJIN CUSTOM WOOD PROCESSING CO., LTD. AND LAIZHOU CITY GUANGMING PENCIL-MAKING CO., LTD. BECAUSE THERE IS NO EVIDENCE THAT THESE COMPANIES EITHER EXPORTED CERTAIN CASED PENCILS TO THE UNITED STATES DURING THE PERIOD 12/01/2001 THROUGH 11/30/2002 OR SOLD CERTAIN CASED PENCILS TO U.S. CUSTOMERS (AS INDICATED ON THE COMMERCIAL INVOICE OR CUSTOMS DOCUMENTATION) DURING THE PERIOD 12/01/2001 THROUGH 11/30/2002. THE NOTICE OF PARTIAL RESCISSION WAS PUBLISHED IN THE FEDERAL REGISTER ON 05/21/2004 (69 FR 29266).

4. WITH RESPECT TO GUANGDONG STATIONERY & SPORTING GOODS IMPORTS & EXPORT CO., LTD., THE NOTICE OF THE LIFTING OF SUSPENSION OF LIQUIDATION OF ENTRIES OF SUBJECT MERCHANDISE

DURING THE PERIOD 12/01/2001 THROUGH 11/30/2002 OCCURRED WITH THE PUBLICATION OF THE NOTICE OF PRELIMINARY RESULTS AND RESCISSION IN PART OF ADMINISTRATIVE REVIEW IN THE FEDERAL REGISTER ON 01/13/2004 (69 FR 1965). FOR ALL OTHER SHIPMENTS OF CERTAIN CASED PENCILS FROM THE PEOPLE'S REPUBLIC OF CHINA YOU SHALL, UNLESS OTHERWISE INSTRUCTED, CONTINUE TO COLLECT CASH DEPOSITS OF ESTIMATED ANTIDUMPING DUTIES FOR THE MERCHANDISE AT THE CURRENT RATES.

5. THE ASSESSMENT OF ANTIDUMPING DUTIES BY CUSTOMS AND BORDER PROTECTION (CBP) ON ENTRIES OF THIS MERCHANDISE IS SUBJECT TO THE PROVISIONS OF SECTION 778 OF THE TARIFF ACT OF 1930. SECTION 778 REQUIRES THAT CBP PAY INTEREST ON OVERPAYMENTS AND ASSESS INTEREST ON UNDERPAYMENTS OF THE REQUIRED AMOUNTS DEPOSITED AS ESTIMATED ANTIDUMPING DUTIES. THE INTEREST PROVISIONS ARE NOT APPLICABLE TO CASH OR BONDS POSTED AS ESTIMATED ANTIDUMPING DUTIES BEFORE THE DATE OF PUBLICATION OF THE ANTIDUMPING DUTY ORDER. INTEREST SHALL BE CALCULATED FROM THE DATE OF PAYMENT OF ESTIMATED ANTIDUMPING DUTIES THROUGH THE DATE OF LIQUIDATION. THE RATE AT WHICH SUCH INTEREST IS PAYABLE IS THE RATE IN EFFECT UNDER SECTION 6621 OF THE INTERNAL REVENUE CODE OF 1954 FOR SUCH PERIOD.

6. UPON ASSESSMENT OF ANTIDUMPING DUTIES, CBP SHOULD REQUIRE THAT THE IMPORTER PROVIDE A REIMBURSEMENT STATEMENT AS DESCRIBED IN SECTION 351.402(f)(2) OF THE COMMERCE DEPARTMENT REGULATIONS. THE IMPORTER SHOULD PROVIDE THE REIMBURSEMENT STATEMENT PRIOR TO

LIQUIDATION OF THE ENTRY. IF THE IMPORTER CERTIFIES THAT IT HAS AN AGREEMENT WITH THE EXPORTER TO BE REIMBURSED ANTIDUMPING DUTIES, CBP SHOULD DOUBLE THE ANTIDUMPING DUTIES IN ACCORDANCE WITH THE ABOVE-REFERENCED REGULATION. ADDITIONALLY, IF THE IMPORTER DOES NOT RESPOND TO YOUR FORMAL REQUEST FOR THE REIMBURSEMENT STATEMENT PRIOR TO LIQUIDATION, CBP SHOULD PRESUME REIMBURSEMENT AND DOUBLE THE ANTIDUMPING DUTIES DUE.

7. IF THERE ARE ANY QUESTIONS REGARDING THIS MATTER BY CBP OFFICERS, THE IMPORTING PUBLIC OR INTERESTED PARTIES, PLEASE

CONTACT DAVINA HASHMI OR RON TRENTAM AT THE OFFICE OF AD/CVD OPERATIONS, IMPORT ADMINISTRATION, INTERNATIONAL TRADE ADMINISTRATION, U.S. DEPARTMENT OF COMMERCE, AT (202) 482-0984 OR (202) 482-3577 RESPECTIVELY (GENERATED BY O4: MZ).

8. THERE ARE NO RESTRICTIONS ON THE RELEASE OF THIS INFORMATION.

CATHY SAUCEDA

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party